

# **CHAPTER 14—CALIFORNIA DEBRIS COMMISSION**

- Sec.  
661. Creation of commission; appointment of members; vacancies; powers generally.  
662. Organization; compensation of members; rules and regulations of procedure; traveling expenses.  
663. Territorial jurisdiction over hydraulic mining; hydraulic mining injurious to navigation prohibited.  
664. General duties as to plans for protection of navigation.  
665. Survey for debris reservoirs; study of methods of mines and mining.  
666. Noting conditions of navigable channels.  
667. Annual reports.  
668. "Hydraulic mining" and "mining by hydraulic process" defined.  
669. Petition by hydraulic miners.  
670. Surrender to United States of right to regulate debris of mine.  
671. Petition for common dumping ground, etc.  
672. Notice of petition for dumping grounds, etc.; hearing.  
673. Order by commission directing method of mining, etc.; expenses of complying with order; exemption from mining taxes.  
674. Plans for and supervision of work required by order; permit to commence mining.  
675. Conditions precedent for commencement of mining operations.  
676. Allotment of expenses for common dumping grounds; location of impounding works.  
677. Limitation as to quantity of debris washed away.  
678. Modification and revocation of permit to mine.  
679. Violation of permit to mine; penalty.  
680. Examination of mines; reports.  
681. Repealed.  
682. Malicious injury to works; injury to navigable waters by hydraulic mining; penalty.  
683. Tax on operation of hydraulic mines; "debris fund"; advances by mine owners; storage for water and use of outlet facilities.  
684. Cooperation by commission with State authorities.  
685. Construction by commission of restraining works, etc.; use of debris fund.  
686. Construction of restraining works in conjunction with State.  
687. Use of State dredge and appliances in river and harbor improvements.

## **§ 661. Creation of commission; appointment of members; vacancies; powers generally**

A commission is created, to be known as the California Debris Commission, consisting of three members. The President of the United States shall, by and with the advice and consent of the Senate, appoint the commission from officers of the Corps of Engineers, United States Army. Vacancies occurring therein shall be filled in like manner. It shall have the authority, and exercise the powers set forth in sections 662 to 685 of this title, under the supervision of the Chief of Engineers and direction of the Secretary of the Army.

(Mar. 1, 1893, ch. 183, §1, 27 Stat. 507; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947,

ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

### ABOLITION OF CALIFORNIA DEBRIS COMMISSION

Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, provided that:

"(a) The California Debris Commission established by the first section of the Act of March 1, 1893 (33 U.S.C. 661) is hereby abolished.

"(b) All authorities, powers, functions, and duties of the California Debris Commission are hereby transferred to the Secretary [meaning Secretary of the Army, see 33 U.S.C. 2201].

"(c) The assets, liabilities, contracts, property, records, and the unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used arising from, available to, or to be made available in connection with the authorities, powers, functions, and duties transferred by this section, subject to section 202 of the Budget and Accounting Procedure Act of 1950 [see 31 U.S.C. 1531], are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

"(d) All acquired lands, and other interests therein presently under the jurisdiction of the California Debris Commission are hereby authorized to be retained, and shall be administered under the direction of the Secretary, who is hereby authorized to take such actions as are necessary to consolidate and perfect title; to exchange for other lands or interests therein which may be required for recreation or for existing or proposed projects of the United States; to transfer to other Federal agencies or dispose of as surplus property; and to release to the coextensive fee owners any easements no longer required by the United States, under such conditions or for such consideration as the Secretary shall determine to be fair and reasonable. Except as specifically provided herein all transactions will be in accordance with existing laws and procedures."

## **§ 662. Organization; compensation of members; rules and regulations of procedure; traveling expenses**

Said commission shall organize by the selection of such officers as may be required in the performance of its duties the same to be selected from the members thereof. The members of said commission shall receive no greater compensation than is now allowed by law to each, respectively, as an officer of said Corps of Engineers. It shall also adopt rules and regulations, not inconsistent with law, to govern its deliberations and prescribe the method of procedure under the provisions of this chapter. While traveling on duty the officers of the commission shall receive the mileage allowed by law.

(Mar. 1, 1893, ch. 183, §2, 27 Stat. 507; June 6, 1900, ch. 791, §1, 31 Stat. 631.)

### CODIFICATION

The last sentence of this section is from a provision accompanying an appropriation for the expenses of the Commission in the Sundry Civil Appropriation Act for 1901, which originally read as follows: "So much of the Act of March third, eighteen hundred and ninety-nine, as provides that the members of the California Debris Commission shall receive only actual expenses in lieu of mileage while traveling on duty is hereby repealed, and hereafter the officers of the commission shall receive the mileage allowed by law."